

ENTERED

February 28, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

COSME ARIEL MOLINAR,

Plaintiff,

v.

BOBBY LUMPKIN,

Defendant.

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Civil Action No. 6:22-CV-00006

**ORDER ACCEPTING
FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the August 12, 2022 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Mitchel Neurock. (Dkt. No. 12). Magistrate Judge Neurock made findings and conclusions and recommended that Defendant’s Motion to Dismiss be granted in part and denied in part. (Dkt. No. 10).

The Parties were provided proper notice and the opportunity to object to the M & R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On August 25, 2022, Defendant filed one objection. (Dkt. No. 14 at 3–4). Defendant objects to Judge Neurock’s conclusion that Molinar’s claim to style his hair into two braids go forward, (*id.*). (Dkt. No. 12).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

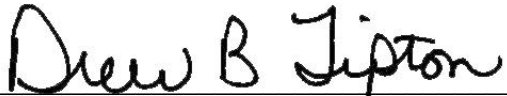
part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Mitchel Neurock's M & R, (Dkt. No. 12), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Defendants' Motion to Dismiss, (Dkt. No. 10), is **GRANTED IN PART** and **DENIED IN PART**. The Plaintiff's claim seeking relief to grow his hair long is **DISMISSED WITHOUT PREJUDICE**; and
- (3) The Plaintiff's claim seeking relief to style his hair into two braids may proceed.

It is SO ORDERED.

Signed on February 28, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE